

ABRAMSON & DENENBERG, P.C.
BY: ALAN E. DENENBERG, ESQ.
IDENTIFICATION NUMBER: 54161
1200 WALNUT STREET, 6TH FLOOR
PHILADELPHIA, PA 19107
215-546-1345

ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH ROBINSON	:	
1848 S 24TH STREET	:	CIVIL ACTION
PHILADELPHIA, PA 19145	:	
V.	:	
CITY OF PHILADELPHIA	:	
1515 ARCH STREET, 14TH FLOOR	:	JURY TRIAL DEMANDED
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER CHARLES WELLS	:	
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER KEENAN	:	
BADGE # 2558	:	NO. 06-02829
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER GREGG	:	
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER BRENT DARREN	:	
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER ROBERT ELLIS	:	
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	
AND	:	
POLICE OFFICER SLOBODIAN	:	
1515 ARCH STREET, 14TH FLOOR	:	
PHILADELPHIA, PA 19102	:	

AMENDED COMPLAINT

1. Plaintiff, Kenneth Robinson, is an individual and adult citizen of the Commonwealth of Pennsylvania, residing as captioned.
2. Defendant, City of Philadelphia, is a municipality in the Commonwealth of Pennsylvania, with its principal place of business located as captioned.
3. Defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, were at all material times employed as police officers by defendant, City of Philadelphia.
4. At all material times, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, acted within the scope of their employment, under the color of state law as state actors pursuant to the customs, policies and/or practices of the City of Philadelphia and the Philadelphia Police Department.
5. At all material times, defendant, City of Philadelphia, was charged with the responsibility of testing, hiring, training and/or supervising members of the Philadelphia Police Department including in particular, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian.
6. The court has jurisdiction over the Federal law claims pursuant to 28 U.S.C. §§ 1331 and 1343 and jurisdiction over the State law claims pursuant to the principals of pendant and ancillary jurisdiction.

7. Venue is proper under 28 U.S.C. § 1391(b) because the causes of action upon which the complaint is based arose in Philadelphia, Pennsylvania, which is in the Eastern District of Pennsylvania.
8. On June 30, 2004, at approximately 1:15 a.m., plaintiff, Kenneth Robinson, left his previous residence at 2140 Titan Street when defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, all dressed in plain-clothes, exited their vehicle and began pursuing plaintiff.
9. On the aforementioned date and time, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, did not have probable cause to pursue plaintiff, Kenneth Robinson.
10. Defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, did not identify themselves as police officers, and in fear, plaintiff, Kenneth Robinson, fled on foot.
11. Defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, apprehended plaintiff, Kenneth Robinson, approximately two blocks away.
12. After being apprehended, plaintiff, Kenneth Robinson, realized defendants were police officers, and plaintiff asked why he was being stopped.

13. Defendant, Police Officer Charles Wells, responded that plaintiff, Kenneth Robinson, was being stopped for aggravated assault on a police officer and then struck plaintiff in the mouth.
14. Plaintiff, Kenneth Robinson, was then handcuffed, and defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, began to strike plaintiff repeatedly in the head and face.
15. Plaintiff, Kenneth Robinson, was then placed in an unmarked police car and defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, continued to beat him.
16. As a result of the defendants' willful and malicious actions, plaintiff, Kenneth Robinson, suffered injuries to his face and eyes.
17. Plaintiff, Kenneth Robinson, was charged with aggravated assault, simple assault, reckless endangerment of another person and resisting arrest.
18. On January 18, 2005, all of the aforementioned charges against plaintiff, Kenneth Robinson, were dropped.

COUNT I
EXCESSIVE FORCE
FOURTH AMENDMENT OF UNITED STATES CONSTITUTION AND
ARTICLE I, § 8 OF PENNSYLVANIA CONSTITUTION
KENNETH ROBINSON V. POLICE OFFICER CHARLES WELLS, POLICE
OFFICER KEENAN, POLICE OFFICER GREGG, POLICE OFFICER
BRENT DARSEN, POLICE OFFICER ROBERT ELLIS, AND POLICE
OFFICER ROBERT SLOBODIAN

19. Paragraphs 1 through 18 are incorporated herein by reference, as though each were fully set forth herein at length.

20. As aforesaid, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, acting within the course and scope of their employment, under the color of state law and pursuant to the policies, customs and/or practices of defendant, City of Philadelphia and the Philadelphia Police Department, deprived plaintiff of his rights, privileges and immunities under the Laws and Constitutions of the United States and of the Commonwealth of Pennsylvania, in particular, the right to be free from the use of excessive force, all of which actions violated the plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania and the Laws of the United States and of the Commonwealth of Pennsylvania.

21. As aforesaid, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, acting within the scope of their employment, under the color of state law and pursuant to the policies, customs and/or practices of defendant, City of Philadelphia and the Philadelphia Police Department, intentionally and maliciously assaulted and battered plaintiff, Kenneth Robinson, and placed him in fear of imminent bodily harm without just cause or provocation by the above described actions, all of which violated plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and the Laws of the United States and of the Commonwealth of Pennsylvania.

22. As a direct and proximate result of the malicious, intentional and/or reckless actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, plaintiff, Kenneth Robinson, suffered injuries that are described above.

23. The above-described actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, were so malicious, intentional and reckless and displayed such a reckless indifference to plaintiff, Kenneth Robinson's rights and well being, that the imposition of punitive damages is warranted.

WHEREFORE, plaintiff, Kenneth Robinson, demands compensatory and punitive damages against defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, jointly and/or severally, in an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

COUNT II
ASSAULT AND BATTERY
KENNETH ROBINSON V. POLICE OFFICER CHARLES WELLS, POLICE
OFFICER KEENAN, POLICE OFFICER GREGG, POLICE OFFICER
BRENT DARDEN, POLICE OFFICER ROBERT ELLIS, AND POLICE
OFFICER ROBERT SLOBODIAN

24. Paragraphs 1 through 23 are incorporated herein by reference, as though each were fully set forth herein at length.

25. Plaintiff, Kenneth Robinson, believes and therefore avers that defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, wrongfully assaulted and battered him as described above.

26. The above described actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, placed plaintiff, Kenneth Robinson, in the reasonable fear of imminent bodily harm and resulted in plaintiff being unlawfully and improperly assaulted and abused against his will.

27. As a direct and proximate result of the malicious, intentional and/or reckless actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, plaintiff, Kenneth Robinson, suffered injuries described above.

28. The above described actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, were so malicious, intentional, reckless and displayed such a reckless indifference to plaintiff Kenneth Robinson's rights and well being, that the imposition of punitive damages is warranted.

WHEREFORE, plaintiff, Kenneth Robinson, demands compensatory and punitive damages against defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert

Ellis, and Police Officer Robert Slobodian, jointly and/or severally, in an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

COUNT III
MALICIOUS PROSECUTION
FOURTH AMENDMENT OF UNITED STATES CONSTITUTION, ARTICLE I, §
8 OF PENNSYLVANIA CONSTITUTION AND PENNSYLVANIA COMMON
LAW KENNETH ROBINSON V. POLICE OFFICER CHARLES WELLS,
POLICE OFFICER KEENAN, POLICE OFFICER GREGG, POLICE OFFICER
BRENT DARREN, POLICE OFFICER ROBERT ELLIS, AND POLICE
OFFICER ROBERT SLOBODIAN

29. Paragraphs 1 through 28 are incorporated herein by reference, as though each were fully set forth herein at length.
30. As described above, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, intentionally, maliciously, and/or recklessly without probable cause, caused the plaintiff, Kenneth Robinson, to be subjected to criminal proceedings.
31. The above criminal proceedings terminated in favor of the plaintiff, Kenneth Robinson.
32. As a direct and proximate result of the malicious, reckless and/or intentional actions of defendants, Police Officer Charles Wells, Police Officer Keenan Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, the plaintiff, Kenneth Robinson, suffered injuries which are described above.

33. The above described actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian were so malicious and intentional and displayed such a reckless indifference to the plaintiff's rights and well-being, that the imposition of punitive damages is warranted.

WHEREFORE, plaintiff, Kenneth Robinson, demands judgment against defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, for an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

COUNT IV

FALSE ARREST / FALSE IMPRISONMENT

FOURTH AMENDMENT OF UNITED STATES CONSTITUTION, ARTICLE I, § 8 OF PENNSYLVANIA CONSTITUTION AND PENNSYLVANIA COMMON LAW KENNETH ROBINSON V. POLICE OFFICER CHARLES WELLS, POLICE OFFICER KEENAN POLICE OFFICER GREGG, POLICE OFFICER BRENT DARSEN, POLICE OFFICER ROBERT ELLIS, AND POLICE OFFICER ROBERT SLOBODIA

33. Paragraphs 1 through 32 are incorporated herein by reference, as though each were fully set forth herein at length
34. As described above, defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, maliciously, intentionally and/or recklessly caused the false imprisonment of the plaintiff, Kenneth Robinson, without probable cause, without privilege and against the plaintiff's will.
35. As a direct and proximate result of the malicious, intentional, and/or reckless actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police

Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, plaintiff, Kenneth Robinson, sustained injuries which are described above.

36. The above described actions of defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, were so malicious and reckless and displayed such a reckless indifference to the plaintiff, Kenneth Robinson's rights and well-being, that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiff, Kenneth Robinson, demands compensatory and punitive damages against defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, in an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

COUNT V

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
KENNETH ROBINSON V. POLICE OFFICER CHARLES WELLS, POLICE
OFFICER KEENAN, POLICE OFFICER GREGG, POLICE OFFICER BRENT
DARDEN, POLICE OFFICER ROBERT ELLIS, AND POLICE OFFICER
ROBERT SLOBODIAN

37. Paragraphs 1 through 36 are incorporated herein by reference, as though each were fully set forth herein at length.

38. The above described intentional, reckless and/or malicious acts by the defendants, were so outrageous, atrocious and completely intolerable in a civilized society and went beyond all possible bounds of decency.

39. The above described intentional, reckless and/or malicious acts by the defendants caused and continue to cause the plaintiff, Kenneth Robinson, severe emotional distress, anxiety and fear, as well as physical injuries.

40. No reasonable person could be expected to endure the above-described intentional and malicious acts of the defendants.

41. As a direct and proximate result of the intentional and malicious acts of the defendants, jointly and/or severally, plaintiff, Kenneth Robinson, suffered injuries, which are described above.

WHEREFORE, Plaintiff, Kenneth Robinson, demands judgment against the defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert Ellis, and Police Officer Robert Slobodian, in an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

COUNT VI – 42 U.S.C. § 1983
MONELL / UNCONSTITUTIONAL CUSTOM, POLICY AND PRACTICE
KENNETH ROBINSON V. CITY OF PHILADELPHIA

42. Paragraphs 1 through 41 are incorporated herein by reference, as though each were fully set forth herein at length.

43. Plaintiff, Kenneth Robinson, believes and therefore avers that the defendant, City of Philadelphia, had adopted and maintained for many years a recognized accepted policy, custom and/or practice of systematically failing to properly train, supervise and/or discipline members of the Philadelphia Police Department, including the individual defendants, Police Officer Charles Wells, Police Officer Keenan, Police Officer Gregg, Police Officer Brent Darden, Police Officer Robert

Ellis, and Police Officer Robert Slobodian, regarding constitutional restraints of the use of excessive force and unlawful arrests.

44. The above cited policy, custom and/or practice is deliberately indifferent to the rights of the citizens of Pennsylvania and violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and the laws of the United States and Commonwealth of Pennsylvania.

45. The defendant, City of Philadelphia was aware of the aforesaid described policy, custom and/or practice for a substantial period of time and despite knowledge of the illegal policy, custom and/or practice described above by the supervisory and policy making officers and officials, defendant failed to take steps to terminate said policy, custom and/or practice; have not disciplined or otherwise properly supervised defendant officers who engaged in said practice; have not effectively trained officers with regard to the proper constitutional and statutory limits on the exercise of their authority and instead sanctioned the policy, custom and/or practices above described to the deliberate indifference of the constitutional rights of the citizens of the Commonwealth of Pennsylvania.

46. By failing to take action to stop or limit the policy and/or by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the policy, custom and/or practice, defendant, City of Philadelphia, condoned, acquiesced in, participated in and perpetrated in violating plaintiff, Kenneth Robinson's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution

of the Commonwealth of Pennsylvania, and the laws of the United States and the Commonwealth of Pennsylvania.

WHEREFORE, pursuant to 42 U.S.C. § 1983, plaintiff, Kenneth Robinson demands compensatory damages against defendant, City of Philadelphia, in an amount in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, together with damages for delay and costs.

ABRAMSON & DENENBERG, P.C.

BY: /s/
ALAN E. DENENBERG, ESQ.
ATTORNEY FOR PLAINTIFF

ABRAMSON & DENENBERG, P.C.
BY: ALAN E. DENENBERG, ESQ.
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ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH ROBINSON	:	
	:	CIVIL ACTION
V.	:	NO. 06-2829
	:	
CITY OF PHILADELPHIA	:	
	:	
POLICE OFFICER CHARLES WELLS	:	
	:	
POLICE OFFICER KEENAN	:	
	:	
POLICE OFFICERS JOHN DOE #1-5	:	
	:	

CERTIFICATE OF SERVICE

I, Alan Denenberg, Esquire, hereby certify that on November 15, 2006, a true and correct copy of Plaintiff's Amended Complaint was filed with the Court and served via First Class Mail, postage prepaid, on the following:

Paul A. Marone, Esquire
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

Date: November 15, 2006

s/
ALAN DENENBERG, ESQUIRE